



UNITED STATES PATENT AND TRADEMARK OFFICE

W
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/701,718	11/04/2003	In-Soo Jung	38841.00002.UTL1	7402
36183	7590	04/17/2007	EXAMINER	
PAUL, HASTINGS, JANOFSKY & WALKER LLP P.O. BOX 919092 SAN DIEGO, CA 92191-9092			KYLE, MICHAEL J	
		ART UNIT		PAPER NUMBER
				3677

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/701,718	JUNG, IN-SOO	
	Examiner	Art Unit	
	Michael J. Kyle	3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 25 January 2007.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 11-46 is/are allowed.
- 6) Claim(s) 1-3,5-10 is/are rejected.
- 7) Claim(s) 4 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, 5-7, 9, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Stradella et al (“Stradella”, U.S. Patent No. 3,648,324). Stradella discloses an external segment having a member (1) with internal and external surfaces and a hole (receiving 2) extending from the internal to the external surface configured to receive a locking pin. A reinforcing mechanism (2) is inserted in the hole, secured to the member and does not project beyond the internal surface, wherein the reinforcing mechanism is configured to reinforce the hole and distribute forces. It is noted that all terminology following the limitation “for” is an intended use of the claimed mechanism. Stradella meets all structural limitations of the claim, and is capable of being used in the intended manner.

3. With respect to claims 3 and 5, Stradella discloses the reinforcing mechanism to include washer (12). The entire reinforcing mechanism (2) resides below the internal surface of the member in a direction radially within the internal surface of the member (1).

4. With respect to claims 6 and 7, Stradella discloses the reinforcing mechanism (2) to be of a height to distribute forces. The mechanism is positioned so as not impeded movement of an internal segment having an external surface adjacent the internal surface.

5. With respect to claims 9 and 10, Stradella discloses the reinforcing mechanism to be stainless steel. Additionally, the member (1) is capable of comprising a plurality of holes, each hole having a reinforcing mechanism (2).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable of Stradella. Stradella shows the internal surface having an L-shaped recess (formed around 3) but fails to show an external surface having a raised lip. However, Stradella does show a lip within the hole (top of 3). Extending this portion outside to an outside of the hole is within the purview of one having ordinary skill in the art as it amounts only a change in a dimension of a known element. As result, the shoulder 3 would extend out of the hole, the reinforcing member (2) would likewise extend out of the to hole to still positively engage the top side of shoulder (3). This arrangement positive secures the reinforcing mechanism from movement. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Stradella such that the shoulder (3) extends around the hole at an exterior surface, as this amounts to only a change in dimension of a known element.

8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stradella in view of Prince (U.S. Patent No. 6,213,890). Stradella discloses the member (1) to be made of lead.

Prince teaches a handle (3) that can be made of lead or aluminum (column 8, lines 7-10), thus establishing the materials as equivalent within the art. It would have been obvious to one of ordinary skill in the art at the time of the invention to use either lead or aluminum for the external member, Prince teaches these materials to be equivalent and interchangeable.

Allowable Subject Matter

9. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
10. Claims 11-46 are allowed.

Response to Arguments

11. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection. These claims are now rejected based on Stradella. Applicant's amendment necessitated the new grounds.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
13. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

Art Unit: 3677

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Kyle whose telephone number is 571-272-7057. The examiner can normally be reached on Monday - Friday, 8:30 am - 5:00 pm.
15. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

mk



ROBERT J. SANDY
PRIMARY EXAMINER